

**APPROVED 10-20-11**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**ZONING BOARD OF APPEALS**

Meeting of the Zoning Board of Appeals held on Thursday, September 15, 2011 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #2 at 7:30 PM.

**MEMBERS PRESENT:**

Robert F. Hannon, Chairman  
Caren M. Genovese, Vice Chairman  
Donald F. Clark, Secretary  
Joseph A. Cappucci  
Joseph P. Villano  
Mary Jane Mulligan, Alternate  
Cheryl A. Juniewicz, Alternate  
Walter M. Spader, Jr., Alternate

**MEMBERS ABSENT:** None

**TOWN PERSONNEL:**

Alan A. Fredricksen, Land Use Administrator

**OTHERS PRESENT:**

Mary Lee Rydzewski, Public Stenographer  
Sandi Lion, Clerk

**AGENDA:**

Mr. Hannon, Chairman, opened the meeting at 7:32 PM and introduced the members of the Board, the Town staff, the stenographer and clerk. He then explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur.

Mr. Hannon stated that due to a scheduling conflict, the applicant for application #11-22, 60 Devine Street, has requested to be heard last. All were in favor.

**PUBLIC HEARINGS:**

Mr. Clark read the call for the first Public Hearing.

2. #11-23      Application of Rubyanne Leverich, Owner and Applicant, relative to 3 Eaton Street, (Map 16, Lot 68), per Section 5.1.2, requesting a front yard variance of 63' to permit a front yard setback of 12' where 75' is required, and per Section 8.3.3.1, requesting approval to enlarge an existing non-conforming building. IL-30 Zoning District.

Ms. Rubyanne Leverich, owner and applicant, presented the application for a front yard setback variance and to enlarge an existing non-conforming building. She discussed previous variance approvals and answered questions from the Board.

Mr. Hannon asked for public comment. There being no public comment, the Public Hearing was closed.

Mr. Clark read the call for the second Public Hearing.

3. #11-24      Application of Michelle Serlin, Owner and Applicant, relative to 36 Kent Drive, (Map 33, Lot 103), per Section 8.6.2.1, requesting a fence height variance of 3' to permit a 6' high fence in a front yard where 3' is permitted. R-12 Zoning District.

Adam Hittelman and Michelle Serlin, owners and applicants, presented the application to permit a 6' high fence in her front yard where 3' is permitted. Mr. Clark read a letter dated September 13, 2011, from neighbors residing at 30 and 48 Kent Drive, in favor of the fence, Exhibit A. The Board asked questions and Mr. Hittelman and Ms. Serlin responded. Mr. Hittelman then submitted photographs of the fence, Exhibits B and C.

Mr. Hannon asked for public comment. There being no public comment, the Public Hearing was closed.

Mr. Clark read the call for the third Public Hearing.

4. #11-25      Application of Peter J. Sanca, Owner and Applicant, relative to 117 Scrub Oak Road, (Map 101, Lot 19), per Section 2.1.1.9, requesting a side yard variance of 5.7' to permit a side yard of 6.5' where 12.2' is required and an aggregate side yard variance of 5.7' to permit an aggregate side yard of 24.3' where 30' is required, and per Section 8.13.2.2.2 requesting a variance of 616 square feet to allow a 1,516 square feet detached garage where 900 square feet is permitted. R-20 Zoning District.

Mr. Fredricksen, Land Use Administrator, explained to the Commission why a revised A2-survey was submitted. Then Mr. Peter Sanca, owner and applicant, presented the application to allow a 1,516 square feet one story, detached garage where 900 square feet is permitted to store antique vehicles. The Board asked questions and Mr. and Mrs. Sanca responded.

Mr. Sanca submitted letters, from neighbors residing at 119 and 125 Scrub Oak Road and 235 Bradley Street, in favor of the application. Mr. Hannon feels the proposed garage is excessive and asked the applicant if he would be willing to reduce the size of the structure from 30' x 30' to 25' x 30'.

Mr. Hannon asked for public comment.

Public comment:

1. Mike Guarnieri, 115 Scrub Oak Road, spoke in favor of the application.

There being no further public comment, the Public Hearing was closed.

Mr. Clark read the call for the last Public Hearing.

1. #11-22      Application of Bernard Pellegrino, Esquire, relative to 60 Devine Street, (Map 51, Lot 22), per Section 9.1.3, requesting a variance to permit building on a lot having a frontage of less than 50 feet on a public street. IG-80 Zoning District.

Attorney Bernard Pellegrino, Jr., presented the application to permit building on a lot having a frontage of less than 50' on a public street located at 60 Devine Street. Attorney Pellegrino stated that the hardship is not having frontage on Devine Street. Attorney Pellegrino stated that the owner suggested a deeded easement to provide an access road to the site. The Board asked questions, and Attorney Pellegrino responded.

Mr. Hannon asked for public comment. There being no public comment, the Public Hearing was closed.

**BREAK:** 8:30 – 8:34 PM

#### **DELIBERATION SESSION:**

#### **PUBLIC HEARINGS:**

2. #11-23      Application of Rubyanne Leverich, Owner and Applicant, relative to 3 Eaton Street.

Mrs. Genovese moved to approve the application for the purpose of discussion; Mr. Clark seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Cappucci – aye Villano – aye

In approving the application the Board stated the following:

1. The variance is limited to the work included in this proposal only.
2. The request is reasonable.
3. The lot is existing, non-conforming.
4. The property abuts a highway exit ramp.

3. #11-24      Application of Michelle Serlin, Owner and Applicant, relative to 36 Kent Drive.

Mr. Villano moved to approve the application for the purpose of discussion; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Cappucci – aye Villano – aye

In approving the application the Board stated the following:

1. The damaged fence needs to be replaced for reasons of public safety.
2. The hardship is that the property has two front yards.

4. #11-25 Application of Peter J. Sanca, Owner and Applicant, relative to 117 Scrub Oak Road.

Mr. Clark moved to approve the application; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Cappucci – aye Villano – aye

In approving the application, the Board stated the following:

1. The variance is limited to this proposed single story 25' deep x 30' wide structure only.
2. Approving this variance will bring the existing building into conformity.
3. The neighbors are in support of the application.

1. #11-22 Application of Bernard Pellegrino, Esquire, relative to 60 Devine Street.

Mrs. Genovese moved to approve the application; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Cappucci – aye Villano – aye

In approving the application the Board stated the following:

1. The request is reasonable.
2. The applicant is providing an easement for public access.

**OTHER:** None

#### **CEASE AND DESIST ORDERS:**

Mr. Alan Fredricksen, Land Use Administrator outlined current zoning violations with the Board.

500 Middletown Avenue – fill violation

-Mr. Hausman, Zoning Enforcement Officer, sent a Notice of Violation on August 17, 2011 to the DonMar Development Group.

290 Washington Avenue, North Haven Fairgrounds

-Building #10 was built larger than the original footprint. Mr. Hausman, Zoning Enforcement Officer, sent a Cease & Desist Order on September 6, 2011.

**MINUTES:**

August 18, 2011

Mrs. Genovese moved to approve the minutes of the August 18, 2011 meeting; Mr. Cappucci seconded the motion; the Board members voted as follows:

Hannon – aye Genovese – aye Clark – aye Cappucci – aye Juniewicz – aye

**CORRESPONDENCE:** -500 Middletown Avenue, Notice of Violation  
- Connecticut Federation of Planning and Zoning Agencies,  
Quarterly Newsletter, Summer 2011

**ADJOURN:**

There being no further business, Mr. Cappucci moved to adjourn; Mr. Clark seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 9:02 PM.